

Appl. No. 10/517,378
Amendment dated: June 20, 2007
Reply to OA of: January 23, 2007

REMARKS

This is in response to the Official Action of January 23, 2007 in connection with the above-identified application. Applicants have amended the claims and specification of the instant application, taking into consideration the outstanding Official Action.

To begin with, Applicants note that claims 43-45 and 49-53 have been canceled from the instant application without prejudice or disclaimer as being directed to the non-elected invention. Applicants reserve all rights to file a divisional application or multiple divisional applications directed to the non-elected invention(s).

Claims 46-48 are objected to due to certain informalities as set forth in the Official Action. Applicants respectfully submit that, in light of the amendments to claims 46-48 discussed in detail below, these objections have been overcome and therefore respectfully request that the claim objections be withdrawn.

The Official Action urges that in claim 46, the article "A" is required at the beginning of the claim. Accordingly, Applicants have amended claim 46 to recite "A porous spongy material". The Official Action urges that claim 47 requires the article "A" at the beginning of the claim and further suggests replacing the word "them" with the word "then". Accordingly, Applicants have amended claim 47 to recite "A process" and to replace the word "them" with the word "then". Finally, with respect to claim 48, the Official Action urges that the article "a" is required prior to the first recitation of "reducing agent" and the article "the" is required prior to the second recitation of "reducing agent". Accordingly, Applicants have amended claim 48 to recite "a reducing agent" and "the reducing agent" as suggested in the Official Action.

In light of the amendments to claims 46-48 discussed above, Applicants respectfully request that the objections to the claims be withdrawn.

The Official Action rejects claims 46-48 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully submit that, in light of the amendments to claim 46 discussed below, this rejection has been overcome and therefore respectfully request that the §112 rejection be withdrawn.

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The Official Action urges that recitation of "processed to form a porous spongy material" in claim 46 renders the claim indefinite because it is unclear what is meant by the term "processed". Accordingly, Applicants have amended claim 46 to delete the phrase "processed to form a porous spongy material". Instead, Applicants now recite "A porous spongy material for bone grafting application..." at the beginning of the claim. The Official Action also suggests amending claim 46 to recite "respectively" in place of the second recitation of "S-sulfonated keratin to hydroxapatite". Applicants have adopted this suggestion.

In light of the amendments to claim 46 as discussed above, Applicants respectfully submit that the claims of the instant application are now clear and request that the §112 rejection be withdrawn.

Finally, the Official Action objects to the specification as lacking a cross-reference to related applications. Accordingly, Applicants have amended the specification of the instant application to set forth the related PCT application and New Zealand application at the beginning of the specification. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

In view of the above comments and further amendments to the claims, as well as the indication in the outstanding Official Action that the claims appear to be free of the art, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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